

Library Research Assignment

Objective: The goal of this assignment is to familiarize students with a wide variety of legal resources. This assignment has been created with resources specifically related to the cases assigned to students for the mock oral argument and the final written assignment.

Directions: Locate each item indicated below in the Indiana Supreme Court Law Library. Librarians and law clerks are available to help you find each item. You may be asked to use print and electronic sources.

The resources identified in each category will provide valuable material for your oral arguments and written final opinion. Therefore, in addition to answering the questions below, you will want copies of some of the information once it is located. You may work as a group. Once the entire assignment has been completed, you may ask the librarian to make a copy for each member of your group.

Legal Dictionaries:

Black's Law Dictionary

Briefly define each term. Then answer supplemental questions.

Appellee:

*Who is the appellee in *Tharp v. State*? _____
Make sure you know the correct pronunciation of this term for oral argument.

Appellant:

*Who is the appellant in *Tharp v. State*? _____
Make sure you know the correct pronunciation of this term for oral argument.

Invasion of Privacy:

Probation:

Protective Order:

Ex parte:

Mens Rea:

Return of service:

Actual notice:

Inquiry notice:

Moot case:

Precedent:

Adjudication:

Sufficient evidence:

Legal Journals, Encyclopedias & Other Secondary Sources

Res Gestae Vol. 39

In the February 1996 issue, locate the article *Petitions to Transfer: New Rules, New Procedures on pages 8-10, 12*. Define the term “transfer” as explained in the article.

A petition to transfer a case to the Indiana Supreme Court is analogous to what process at the federal level? How is transfer different from the federal procedure?

Who wrote this article?

Court Rules

Indiana Practice

Locate Trial Rule 4(A) in Volume I.

Trial Rule 4 generally deals with **PROCESS**, while Rule 4(A) explains the procedure by which “the court acquires _____ who under these rules _____ or _____ in the _____, is _____ with _____ or enters an _____, or who is subjected to the _____ of the _____ under any other law.”

The AUTHOR'S COMMENTS section which follows on pages 100-111 provides more explanation and analysis of the rule. Locate and read comment 4.1. Restate the basic tenet regarding service of process from paragraph 2 of comment 4.1.

2010 Indiana Rules of Court

Locate Appellate Rule 57(H). [Hint: you are looking for a green softbound book on the shelf located behind Indiana Practice. Rule 57(H) articulates the principal considerations governing the Supreme Court's decision whether to grant _____.

List the 6 reasons transfer may be granted:

- (1) _____
- (2) _____
- (3) _____
- (4) _____
- (5) _____
- (6) _____

Place a star * next to the reason(s) for transfer that are applicable in *Tharp v. State*. (See APPELLEE'S PETITION FOR TRANSFER)

Statutes and Codes

Burns Indiana Statutes Annotated Code Edition

[Hint: the code is organized as follows: Title-Article-Chapter-Section]

Indiana Code 34-26-5-9¹ can be found on what pages? _____

This chapter is known by what name? _____

Indiana Code 35-46-1-15.1 codifies what crime? _____

In the NOTES TO DECISIONS for Indiana Code 35-46-1-15.1, how many *different* cases are listed under “Sufficient Evidence”? _____.

¹The General Assembly amended Ind. Code § 34-26-5-9 effective July 1, 2009. The updated code can be found in the back of Burns in what is known as the “pocket part.” The courts must apply the code that was in effect at the time of the incident. Tharp's arrest occurred in February, 2009. Thus, to prevent an *ex post facto* violation, the code as found in the main 2008 volume is applied to these facts.

Indiana Cases

North East Reporter, 2d Series

(These cases can also be found in the green Indiana Cases volumes.)

Disney v. State, 441 N.E.2d 489

What court issued this opinion? _____

Dixon v. State, 869 N.E.2d 516

What year was this case decided? _____

Hendricks v. State, 649 N.E. 2d 1050 (Ind. Ct. App. 1995).

What are the 2 main issues in this case? _____
and _____

Lucas v. State, 501 N.E.2d 480 (Ind. Ct. App. 1986).

How many pages long is this opinion? _____

McHenry v. State, 820 N.E.2d 124 (Ind. 2005).

Who is the author of this opinion? _____

Other State Cases

Pacific Reporter, 2d Series

State v. Medina, 824 P.2d 106 (Haw. 1992).

The Supreme Court of Hawaii affirmed the dismissal of Defendant's protective order violation charge because the order was never what? _____

South Eastern Reporter, 2d Series

Hsiu Tsai v. Com., 659 S.E.2d 594 (Va. Ct. App. 2008).

This Court of Appeals held evidence was _____ to support Defendant's conviction of violating a protective order.

Federal Cases

United States Reports

Mathews V. Eldridge, 424 U.S. 319 (1976).

On what date was this case argued? _____

On what date was this case decided? _____